IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 113 OF 2002

BETWEEN

C.P.Shrivastava S/o Shri C.K.Shrivastava, aged about 36 years, Working as Community Organizer , Swarn Jayanti Shahari Rojgar Yojna, Raigarh (CG).

PETITIONER

A N D

1. The State of Chhattisgarh, through the Secretary Department of Urban Administration and Development, D.K.S. Building, RAIPUR.

2. Director,
Directorate of Urban Administration and Development, RAIPUR.

3. Union of India,
Through the Director, Urban Planning Administration, Ministry of Urban Development, Government of India, NEW DELHI.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioner :

As stated in the Cause Title above.

2. Particulars of the Respondents :

As stated in the Cause Title above.

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(80)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP/113/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	17.3.2004 Petitioner by Shri B. D. Guru, Advocate. Respondents No. 1 and 2 4 by Shri Satish Gupta, Deputy Govt. Advocate. Respondent No.3 by Shri Vinay Harit, Standing Counsel for Union of India. The petitioner has preferred this petition under Article 226/227 of the Constitution of India on the facts that he is working on the post of Community Organizer (earlier known as 'Assistant Project Officer) under the Urban Basic Services for Poor (U.B.S.P.) Programme. The Central Government evolved a programme for eradication of urban poverty and to implement the said programme funds were made available to the State Governments under the name of Urban Basic Services for Poor. This scheme was implemented as Pilot Project in the year 1991 in selected towns in 21 States and the Union Territory of Delhi. The petitioner was appointed on 27.5.1994 and was posted in district Raigarh and is being paid fixed salary. The Directorate of Urban Welfare vide letter dated 5.7.1994 requested the State Government to sanction regular pay scale to the staff including the Assistant Project Officers. It was clearly mentioned in the said letter that the financial assistance is being granted by the Central Government. A similar letter was also written to the Principal Secretary on 10.4.1995 (Annexure P/8). Although the representations for conferring benefit of regular pay scale were already made by many persons but no regular pay scale was granted, therefore the Assistant	

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Project Officers preferred W.P. No. 561/1996 which was decided on 4.4.1997 allowing the petitioners therein to make a representation before the authorities to claim regularization.

In para 5.8 of the petition it has been mentioned that Directorate wrote a letter dated 14.12.1995 (Annexure P/13) requesting the State Government to accord immediate sanction for payment of regular pay scale to the petitioner and other Assistant Project Officers. The petitioner made a representation dt. 12.12.1997 (Annmexure P/15) demanding regular pay scale about absorption and regularization. The petitioner earlier preferred a writ petition in the High Court of Madhya Pradesh at Jabalpur but said petition was not transferred to this Court as other petitioners were working in the State of Madhya Pradesh therefore the petitioner withdrew that petition and now has filed the present petition. Similarly placed employees working in the State of Andhra Pradesh have been absorbed as regular employees by framing Rules known as Andhra Pradesh Urban Poverty Alleviation (Municipal Administration and Urban Development) Service Rules. The Government of Delhi has also passed order on 6.7.1998 transferring the services of the employees working under the Programme to the Urban Development Department.

The petitioner has prayed in this petition that the Respondents No. 1 and 2 may be commanded by issuing writ to forthwith absorb the services of the petitioner on regular cadre, grant seniority and regular pay scale from the date of his appointment.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. 113/02

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	I have heard learned counsel for the parties. Learned counsel for the petitioner submits that the petitioner may be allowed to make further representation to the Respondents No. 1 and 2, and the respondents No. 1 and 2 may be directed to decide that representation considering all the grievances of the petitioner, to which learned counsel for the State has no objection. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the petitioner is allowed to make a detailed representation to the Respondent No.1 and 2 within a period of 10 days from today and in turn the Respondent No.1 and 2 will decide the representation within a further period of 30 days considering all the points raised by the petitioner in the representation, by passing a reasoned order in accordance with law. With the above observations this petition is disposed of finally. Consequently I. A. No. 478/2004 and 650/2004 stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	

Thakur

[पीछे देखिये